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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,210	09/11/2003	Daniel L. Krissell	RSW920030215US1	9116

7590 10/07/2005
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EXAMINER

NAMAZI, MEHDI

ART UNIT PAPER NUMBER

2189

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,210

Applicant(s)

KRISSELL ET AL.

Examiner

Mehdi Namazi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/3/05.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to application filed September 11, 2003.

Specification

2. The disclosure is objected to because of the following informality: the serial number and patent number of related applications are still missing on page 1.

Appropriate correction is required.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims (the second set of claims 10-18 has been renumbered as 19-27).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12, 15-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Challenger et al. US Patent 6,567,893.

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claims 1, 19 and 24, Challenger teaches a method of selectively accepting content for caching, comprising steps of:

Receiving, at a cache store, a request message inquiring whether the cache store will accept particular content caching (col. 1, lines 58-59, determining whether a given cache node should receive a cache update); deciding, responsive to receiving the request message, whether the cache store will accept or reject the particular content (col. 3, lines 53-65, if the cache 12a is up to date it rejects and if not accepts the update); and

Sending, from the cache store, a response to the request message, wherein the response indicates the cache store's decision (col. 3, lines 53-65 the proxy 12 sends a request to the web server 14 which indicates whether cache 12 a need and update or not).

As per claims 2, 20, and 25, Challenger teaches subsequently receiving, at the cache store, the particular content only if the response indicated that the cache store's decision was to accept the particular content (col. 3, lines 53-65; when the cache sends the response that it needs to be update).

As per claim 3, Challenger teaches the request message describes the particular content (the particular message describes the update).

As per claim 4, Challenger teaches the deciding steps uses the description (col. 3, lines 53-65).

As per claims 5, and 21, Challenger teaches the request message specifies the particular content's size, and wherein the deciding step further comprises deciding whether content of that size may be advantageously cached by the cache store (col. 5, lines 30-34).

As per claims 6, and 22, Challenger teaches the request message specifies the particular content's type, and wherein the deciding step further comprises deciding whether content of that type may be advantageously cached by the cache store (col. 5, lines 30-34).

As per claims 7, and 23, Challenger specifically does not teach the request message specifies the particular content's security classification, and wherein the deciding step further comprises deciding whether content of the security classification may be advantageously cached by cache store (it is inherent in the art that the message could be of any type including security classification data).

As per claims 8, and 26, Challenger teaches the request message specifies the particular content's hit rate, and whether the deciding step further comprises deciding whether content having that hit rate may be advantageously cached by the cache store (abstract, it could be of any factors).

As per claims 9, and 27, Challenger teaches the request message specifies the particular content's hit rate, and wherein the deciding step further comprises deciding whether that hit rate is higher than hit rate associated with other content already cached by the cache store and if so, deciding to accept the particular content (col. 5, lines 30-42).

As per claim 10, Challenger teaches the deciding step considers historical metrics associated with the particular content (col. 2, lines 6-14).

As per claim 11, Challenger teaches the deciding step considers resources of the cache store (col. 7, lines 19-27).

As per claim 12, Challenger teaches the deciding step considers currently-available resources of the cache store (col. 7, lines 19-27).

As per claim 15, Challenger does not clearly teach the request message includes an identifier of the particular content and wherein the identifier is also included in the response (col. 3, lines 43-46, Proxy server 12 stores and maintains a copy of objects, in order to do so, the object should have an identification).

As per claim 16, Challenger teaches the deciding step compares a priority associated with the particular content to priorities associated with already-cached content (col. 2, lines 6-14).

As per claim 17, Challenger teaches the step of storing subsequently-received particular content at the cache store (cols. 3-4, lines 65-2).

As per claim 18, Challenger teaches remembering, when the deciding step decides to accept the particular content, which already-cached content will be replaced with the particular content (cols. 3-4, wherein the updated data replaces old data); and

Storing the subsequent-received particular content at the cache store(cols. 3-4, lines 65-2, the current version of the requested object will be stored).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Challenger, and further in view of Yeager (US Publication 2005/0086300).

As per claim 14 and 15 Challenger teaches the claimed invention but fails to teach the request message is encoded in a structured markup language such as XML.

Yeager teaches messages maybe structured with a markup language such as XML (paragraph 225).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teachings of these references since Yeager discloses that messages maybe structured with a markup language such as

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XML in order to implement peer management functions including access control, priority setting, traffic metering (paragraph 225).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehdi Namazi whose telephone number is 571-272-4209. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mehdi Namazi
October 3, 2005

Mano Padmanabhan
10/3/05
MANO PADMANABHAN
SUPERVISORY PATENT EXAMINER